

### **REMARKS**

In response to the Office Action mailed August 23, 2005, Applicant respectfully requests reconsideration. Claims 21-24, 27-33, 35-39, 41-45 and 47-50 were previously pending in this application. No claims have been amended. Claims 25, 26, 34, 40 and 46, which were previously withdrawn, are herein canceled without prejudice or disclaimer. As a result, claims 21-24, 27-33, 35-39, 41-45 and 47-50 are pending for examination with claims 21, 30, 38, 41, 44 and 50 being independent. No new matter has been added.

#### **I. Double Patenting Rejection**

The Office Action provisionally rejects claims 21-24, 27-33, 35-39, 41-45 and 47-50 under the judicially created doctrine of obviousness-type patenting as being unpatentable over claims 1-30 of co-pending US Application Serial No. 11/056,429 ('429). Without acceding to the correctness of the Office Action's position, Applicant is filing herewith a Terminal Disclaimer with respect to the present application and the co-pending '429 application to overcome the rejection.

#### **II. Allowable Subject Matter**

In the previous Office Action mailed on November 11, 2005, the Examiner kindly indicated that claims 26-27, 34-37, 46-47 and 49 would be allowable if re-written in independent form including all the limitations of the base claim and any intervening claims. In addition, the Examiner indicated that claims 38-43 and 50 would be allowable if amended to overcome the previous rejection under 35 U.S.C. §112, second paragraph. In response to the previous Office Action, Applicant amended claims 21, 30 and 44 to include the subject matter of respective independent claims and intervening claims, and claims 38-43 and 50 were amended to overcome the rejection.

In particular, claim 21 was amended to include the subject matter of claims 25 and 26, which was indicated as including allowable subject matter. Therefore, claim 21 is believed to be in allowable condition. Claims 22-24 and 27-29 depend from claim 21 and are allowable for at least the same reasons.

Claim 30 was amended to include the subject matter of claim 34, which was indicated as including allowable subject matter. Therefore, claim 30 is believed to be in allowable condition. Claims 31-33 and 35-37 depend from claim 30 and are allowable for at least the same reasons.

Claim 38 was amended to overcome the rejection under 35 U.S.C. §112, second paragraph. Therefore, claim 38 is believed to be in allowable condition. Claims 39 and 40 depend from claim 38 and are allowable for at least the same reasons.

Claim 41 was amended to overcome the rejection under 35 U.S.C. §112, second paragraph. Therefore, claim 41 is believed to be in allowable condition. Claims 42 and 43 depend from claim 41 and are allowable for at least the same reasons.

Claim 44 was amended to include the subject matter of claim 46, which was indicated as including allowable subject matter. Therefore, claim 44 is believed to be in allowable condition. Claims 45 and 47-49 depend from claim 44 and are allowable for at least the same reasons.

Claim 50 was amended to overcome the rejection under 35 U.S.C. §112, second paragraph. Therefore, claim 50 is believed to be in allowable condition.

### **III. Power of Attorney and Change of Correspondence Address**

Revocation and new Power of Attorney (POA), Change of Correspondence Address, and Statement Under 37 CFR 3.73(b) documents were filed with the Patent Office on November 11, 2005. Copies of the above documents have been included herein for the Examiner's reference. The new Power of Attorney includes an appointment of the undersigned.

**CONCLUSION**

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Dated: November 16, 2005

Respectfully submitted,

By Randy J. Pritzker  
Randy J. Pritzker  
Registration No.: 35,986  
WOLF, GREENFIELD & SACKS, P.C.  
Federal Reserve Plaza  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2206  
(617) 646-8000